

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)
)
)
v.)
)
)
MARGARET MATHES)
)

**JOINT RESPONSE TO COURT'S JANUARY 30, 2015 ORDER
REGARDING MATHEWS' MENTAL CONDITION**

Counsel for the defendant, Margaret Mathes, and counsel for the government hereby submit this joint status report in response to the Court's order of January 30, 2015 (Docket No. 155). In the order, the Court inquired whether, due to Ms. Mathes' recent diagnosis of Alzheimer's Disease, there is now "reasonable cause" to believe that Mathes may not be competent to be sentenced, and whether a mental health evaluation is appropriate under 18 U.S.C. § 4247(c).

The parties agree that, despite Mathes' recent medical diagnosis, there is not reasonable cause to believe that she is not competent to be sentenced. The parties further agree that a mental health evaluation under 18 U.S.C. §4247(c) is not necessary. In support of this position, the parties assert that counsel for the defendant met with Mathes as recently as January 23, 2015 to prepare for the sentencing hearing then scheduled for January 30, 2015. Counsel had no concerns regarding Mathes' competency at that meeting. Counsel reviewed the materials submitted to the court by counsel for sentencing, discussed the arguments anticipated by both sides at the hearing, and prepared Mathes' allocution with Mathes at that meeting. Counsel also spoke to both Mathes' daughters, who attended the meeting with her. Counsel has also had telephone contact with Mathes since that January 23 meeting, and continues to have no concerns regarding her

client's ability "to understand the nature and the consequences of the proceedings against [her] or to assist properly in [her] defense." 18 U.S.C. §4241(a). In addition, counsel notes that there were no concerns regarding Mathes' competency at her Pre-Sentence Interview with probation on September 23, 2014, nor at her Rule 11 hearing on August 27, 2014. Counsel also interviewed Mathes for purposes of the sentencing video submitted to the Court on January 16, 2015 and likewise had no concerns about Mathes' competency at that time.

Further, counsel for both parties agree that a psychiatric or psychological examination pursuant to 18 U.S.C. §4247(c) is not necessary because the Court has sufficient information from the Pre-Sentence Report and materials submitted by the parties to decide an appropriate sentence for Mathes.

Nonetheless, due to the fact that Alzheimer's Disease is a disease marked by "steadily progressive, gradual decline in cognition, without extended plateaus," American Psychiatric Ass'n, *Diagnostic and Statistical Manual of Mental Disorders* 611 (5th ed., 2013), defense counsel has attempted to confer with Mathes' primary care physician to discuss Mathes' present condition and prognosis. Defense counsel has invited counsel for the government to participate in that conversation. Defense counsel will also continue to maintain contact with Mathes, and should her mental condition deteriorate to the point where counsel has reasonable cause to believe she is no longer competent, she will forthwith inform the Court.

**MARGARET MATHES,
By her Attorney,**

/s/ Jane F. Peachy
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 9, 2015.

/s/ Jane F. Peachy
Jane F. Peachy